

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:07cr76**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>ROBERT C. BURRIS, JR.</b>	)	
	)	

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**THIS MATTER** coming on to be heard before the undersigned, pursuant to a motion filed by the defendant entitled “Motion to Strike Surplusage in the Bill of Indictment” (#11). At the call of this matter on for hearing, the defendant’s counsel advised that the defendant wished to withdraw the motion due to the fact that the defendant and the Government had entered into a plea agreement which resolved all issues that were set forth in the motion.

**ORDER**

IT IS, THEREFORE, **ORDERED** that the “Motion to Strike Surplusage in the Bill of Indictment” (#11) is hereby **ALLOWED** to be withdrawn and is **ORDERED** to be **DENIED** as **Moot**.

Signed: October 22, 2007

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

